

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT DEPARTMENT

COMMONWEALTH

v.

COMMONWEALTH'S STATEMENT OF THE CASE

Now comes the Commonwealth in the above captioned matter and on this date respectfully submits its Statement of the Case. The following is not intended to serve as a Bill of Particulars nor does it represent all of the facts known to the Commonwealth.

On December 14, 2010, Detectives Metcalf, Brennan, Lt. Fuller and Det. Gervasi were assigned to the Weymouth Narcotics Unit and SSDTF. Det. Gervasi obtained a search warrant [REDACTED] for two motor vehicles including [REDACTED]

[REDACTED] The search warrant also included the search of defendant [REDACTED]

At 11:30 a.m., the Drug Units set up surveillance on route 3A in Weymouth. At approximately 12:10 p.m., Det. Gervasi observed the [REDACTED] on Washington Street in Quincy traveling towards Weymouth. The operator pulled into the US Petroleum Gas Station. A short time later, the operator pulled back onto Washington Street and began to travel towards the Fore River Bridge. As the vehicle traveled into Weymouth, defendant [REDACTED] was positively identified as the person occupying the rear seat of the mini-van. The operator later identified as defendant Garcia, pulled into the Dunkin Donuts drive through located at 180 Bridge Street.

The surveillance team pulled into the Dunkin Donuts parking lot and simultaneously approached the occupants of the vehicle stating, "POLICE, SEARCH WARRANT!". The operator, refused to open the

doors. Det. Metcalf announced that the rear passenger, [REDACTED] was attempting to swallow the cocaine. Sgt. Marag (RPD) and Det. Gervasi were forced to smash out the side windows. Defendant [REDACTED] was attempting to destroy evidence by forcefully stuffing the individual baggies of cocaine into his mouth. Det. Metcalf and Sgt. Marag pulled [REDACTED] from the vehicle after he spit put dozens of individual knotted baggies of cocaine from his mouth onto the rear carpet.

Det. Duran read [REDACTED] his Miranda Right. Det. Gervasi informed [REDACTED] that they had a search warrant for the vehicle and for their person.

Det. Metcalf collected sixty five (65) individually knotted baggies of cocaine. Det. Brennan selected one of the knotted baggies of cocaine by using a Narco Pouch 904 test kit. The white powder tested positive for the presumptive presence of cocaine. The cocaine without packaging weighs in excess of 14 grams.

During booking, defendant [REDACTED] originally stated that his name was [REDACTED] however, a short time later his prints came back to [REDACTED]. Mr. [REDACTED] was removed from his cell and re-booked under his true name, [REDACTED]. During re-booking, Lt. Farrell asked defendant [REDACTED] why he had given a fictitious name. Defendant Garcia stated, "its part of doing business".

There was \$82.00 seized from [REDACTED] and \$291.00 seized from [REDACTED]. Defendant [REDACTED] was previously convicted of two separate narcotics offenses where he was sentenced to a minimum of 3 years to 3 years and a day in state prison.

Respectfully Submitted
For the Commonwealth,

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